



## REMARKS

Claims 1-5 are all of the pending claims, with claims 1 and 3 being written in independent form. By virtue of this Amendment, Applicant adds new claims 4 and 4.

The Examiner rejects claims 1-3 under 35 USC §103 as being obvious over US 6,238,277 to Duncan et al. ("Duncan") in view of US 4,369,543 to Chen et al. ("Chen"). Applicant respectfully traverses this rejection in view of the following remarks.

### **A. Independent Claim 1:**

Independent claim 1 defines a mobile machine that includes (among other things) "two drive motors" mechanically connected to the two wheels, respectively, and "a control unit" that influences the two drive motors. At least these features (as recited in independent claim 1), in combination with the other features recited in independent claim 1, are not taught or suggested by the prior art relied upon by the Examiner.

The Examiner recognizes that Duncan is not pertinent to the claimed "two drive motors" and "control unit" features, and therefore looks to Chen to make up for the deficiencies. In so doing, the Examiner attempts to rely upon a modification of Duncan that involves implementing two drive motors and a control unit (as taught by Chen). This rejection position is not convincing for the following reasons.

### The Articulated Motivation is in Error

According to the Examiner, the alleged modification would have been obvious to allow the device to be driven with convenient power that is "always available." *Always available?* This is simply not understood because Chen's device is powered via re-chargeable batteries. All batteries (including Chen's re-chargeable batteries) have a limited storage capacity, and therefore necessarily cannot make power "always available," as alleged by the Examiner. Indeed, Chen expressly recognizes as much by indicating that the full capacity of the battery can sustain as long as three hours under continuous operation.<sup>1</sup> Once the battery is depleted, however, no further power is available until a recharge cycle has been performed. The Examiner's assertions to the contrary are tenable only by placing a strained interpretation on the reference.

### Chen's Advantages are Specific to Electrical Power Supplies

The Examiner's comments seem to intimate a belief that Chen somehow provides advantages over other devices ... regardless of the type of power used. When read in context,

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<sup>1</sup> Chen, col. 4, lines 30+.

however, it is clear that Chen's advantages avoid shortcomings associated with relying on external *electrical* power supplies (and nothing more). Indeed, the exact portion of the reference relied upon by the Examiner (i.e., col. 1, lines 12+) indicates that power sockets installed in buildings are not usually available at all locations, and therefore it is necessary to provide a long power cord, which is susceptible to tangling or pulling of the power plug out of the power socket. It is these shortcomings (specific to external electrical power lines) that Chen attempts to overcome by providing a vacuum cleaner to perform cleaning operations "without external power line connection."<sup>2</sup>

The Alleged Modification Would Serve No Apparent Purpose

With respect to availability of power supply, Chen does not offer any apparent advantages over Duncan. This is because the re-charge cycle of Chen's battery and the filling of Duncan's engine with gasoline would ordinarily involve the use of *off-site resources*. For example, Chen's express objective is to provide a vacuum cleaner that performs the desired cleaning operations "without external power line connection."<sup>3</sup> In view of this disclosure, and coupled with the fact that on-site locations usually lacks electrical power sockets,<sup>4</sup> those skilled in the art would recognize that the battery re-charge cycle would occur off-site. Duncan is somewhat similar to the extent that one would expect to obtain gasoline from a customary off-site location (e.g., a gas station), and not at the location where floor grinding is to occur.

In short, the primary reference to Duncan and the secondary reference to Chen do *not* draw power via external power line connections. For this reason alone, those skilled in the art would not have been motivated to implement the alleged modification because doing so would have achieved no apparent purpose/advantage. The Examiner's assertions to the contrary are simply incorrect.

**B. Independent Claim 3:**

Independent claim 3 is somewhat similar to claim 1 in that claim 3 also recites the "two drive motors" and "control unit" features. Accordingly, claim 3 is believed to be patentable for reasons analogous to those noted above with respect to claim 1.

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<sup>2</sup> Chen, col. 1, lines 30+.

<sup>3</sup> *Id.*

<sup>4</sup> Chen, col. 1, lines 12-15.

## CONCLUSION

Applicant respectfully requests reconsideration and allowance of each of pending claims.

The Commissioner is authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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